

EXHIBIT A

**A IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN,
AND IRBESARTAN PRODUCTS
LIABILITY LITIGATION

No. 1:19-md-2875-RBK
Hon. Robert Kugler
Hon. Joel Schneider

**SUPPLEMENTAL
DECLARATION OF COUNSEL
FOR THE TEVA DEFENDANTS**

I, Steven M. Harkins, declare as follows:

1. I am an associate with the law firm Greenberg Traurig, LLP, and counsel for Defendants Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Actavis LLC, Actavis Pharma, Inc., and Arrow Pharm (Malta) Ltd. (collectively “Teva” or “the Teva Defendants”) in the above-captioned matter. I make this declaration based on personal knowledge and am competent to testify to the same.
2. The description of the parties’ discussions of TAR during the meeting on November 15, 2019, included in my prior Declaration (Dkt. 616-1), reflects the entirety of the discussion on that topic during said meeting. At no time during the November 15, 2019 meeting with Teva’s counsel did Plaintiffs indicate that Teva had to choose between using search terms or TAR/CAL.
3. Teva’s clear understanding following the November 15, 2019 meeting, as reflected in my contemporaneous handwritten notes, (Dkt. 616-1 ¶ 7), was that Plaintiffs’ counsel wanted to be informed if Teva intended to use TAR to make responsiveness determinations without placing eyes on documents, a request which we understood to be fully consistent with the ESI protocol’s requirement that we would need to meet and confer “prior to using any such

technology to narrow the pool of collected documents to a set to undergo review for possible production.”

4. Plaintiffs never at any time prior to receiving Teva’s July 1, 2020 letter disclosing Teva’s use of TAR/CAL communicated to Teva that Teva had to choose between using search terms or TAR/CAL.
5. I and other counsel for Teva participated in meet and confer calls with Plaintiffs’ counsel on July 28, 2020, and August 1, 2020, to discuss Teva’s use of TAR/CAL and the proposed validation protocol.
6. On August 3, 2020, I and other counsel for Teva participated in a series of calls which included a meet and confer between the parties with the Court present as well as a call with the Court to discuss the ongoing dispute.
7. On August 4, 2020, I and other counsel for Teva participated in a telephone call with the Court to discuss Plaintiffs’ proposed revisions and objections to the draft validation protocol.
8. On October 5, 2020, Victoria Lockard, counsel for Teva in the above-captioned matter, participated in a meet and confer call with Plaintiffs’ counsel on the use of TAR/CAL and proportionality concerns related to the ongoing review of non-responsive documents.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Name (Signature)

November 18, 2020

Executed on

Steven M. Harkins

Name (Printed)